

**CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS
MINUTES**

THURSDAY, October 28, 2010
CITY COUNCIL CHAMBERS
555 S. 10TH STREET

The October 28, 2010 meeting of the Commission on Human Rights was called to order at 4:00 p.m. by Chairperson Wendy Francis.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Gene Crump, Dick Noble, Jose Quintero, Hazell Rodriguez, Takako Olson and Wendy Francis (Chairperson). Quorum present.

MEMBERS ABSENT:

Commissioners: Karla Cooper, Anitra Warrior and Mary Reece.

STAFF PRESENT:

Angela Lemke, Margie Nichols, Regina Grant, Jessica Sanchez, Loren Mestre-Roberts, Terri Storer and Janice Folkner.

APPROVAL OF SEPTEMBER 16, 2010 MINUTES:

A motion was made by Commissioner Crump and seconded by Commissioner Rodriguez to approve the minutes of the September 16, 2010 meeting as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" was: Commissioners Crump, Olson, Quintero and Francis. Abstaining was: Commissioners Noble and Rodriguez. Motion carried.

APPROVAL OF OCTOBER 28, 2010 AGENDA:

Chairperson Francis stated for current meeting case LCHR No.: 10-0209-004-E-R will be removed for a later date. A motion was made by Commissioner Noble and seconded by Commissioner Quintero to approve the October 28, 2010 meeting agenda as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Noble, Olson, Quintero, Rodriguez, Crump and Francis. Motion carried.

CASE DISPOSITIONS:

LCHR No.: 10-0217-005-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Commissioner Noble.

Discussion then ensued. Commissioner Francis noted that it appeared the Respondent had a policy and was regular about moving employees to a different position with lower pay grade when necessary. Lemke confirmed when restrictions were placed on their regular job they were placed on a lower pay grade.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Olson, Quintero, Rodriguez, Crump, Noble and Francis. Motion carried.

LCHR No.: 10-0222-006-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Francis and seconded by Commissioner Crump.

Discussion then ensued. Commissioner Rodriguez said it appears the discriminatory comment about being colored was not directed to the Complainant, someone else had overheard the statement. Lemke confirmed that was true. Lemke added the Complainant stated he experienced discrimination by one of the other Supervisors not directly over him. He could not give specific complaints about his direct Supervisor. Commissioner Francis asked if the Respondent had a policy in place for situations if the complaint is about a direct supervisor, is there another person of command to go to. Lemke stated the Respondent does not have any written policies. Commissioner Crump inquired whether there was any discussion as to their lack of policies. Lemke stated there was not, but would be willing to discuss the issue with them. It was suggested by Francis, Crump and Rodriguez to follow up with them and discuss the issue of having a policy in place.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Quintero, Rodriguez, Crump, Noble, Olson and Francis. Motion carried.

LCHR No.: 10-0326-010-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Rodriguez and seconded by Commissioner Crump.

Discussion then ensued. Commissioner Rodriguez questioned the overtime record. Lemke stated that it was over a 13 week period and was not broken down per week. Overtime was generally over the weekends and the weekend was from Friday to Sunday.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissions Rodriguez, Crump, Noble, Olson, Quintero and Francis. Motion carried.

LCHR No.: 10-0326-013-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Commissioner Olson.

Discussion then ensued. Commissioner Rodriguez questioned if the reason for hiring two additional people was due to an increase in occupancy. Nichols stated she reviewed all the time sheets and they showed they were all working, but she had no knowledge whether the room occupancy did or did not increase. Rodriguez further said evidence shows that the issue was not her age but that she was slower and was not able to complete her work within 30 minutes. Nichols confirmed this was true and she didn’t indicate she had any type of disability. The complainant denied that anyone ever assisted her.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Crump, Noble, Olson, Quintero, Rodriguez and Francis. Motion carried.

LCHR NO.: 10-0408-016-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Olson and seconded by Commissioner Noble.

Discussion then ensued. Rodriguez inquired whether there was any legal action against other past employees that were terminated. Nichols stated the Respondent did not take any action against other employees because they were not losing any clients after previous employees had left. Francis stated it was pretty clear that the Respondent lost six clients because of the Complainant. Nichols informed the Commissioners that all of that is still in Court, but that the number of alleged clients lost has increased to seventeen.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Noble, Olson, Quintero, Rodriguez, Crump and Francis. Motion carried.

LCHR NO.: 10-0505-003-PA

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Chairperson Francis.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Olson, Quintero, Rodriguez, Crump, Noble and Francis.

PRE-DETERMINATION SETTLEMENT AGREEMENTS:

LCHR No.: 10-0830-015-H

A motion was made by Commissioner Crump and seconded by Commissioner Rodriguez to accept the pre-determination settlement agreement as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Quintero, Rodriguez, Crump, Noble, Olson and Francis. Motion carried.

ADMINISTRATIVE CLOSURES:

LCHR No.: 10-0629-027-E-R

A motion was made by Commissioner Noble and seconded by Commissioner Olson to accept the administrative closure as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Rodriguez, Crump, Noble, Olson, Quintero and Francis. Motion carried.

OLD BUSINESS:

A. Update on Human Rights Office Space

Terri Storer, Executive Assistant, City Attorney’s Office, reported they have met with the Public Building Commission and the architect regarding the expansion. Storer stated they do anticipate the plan will go forward and will proceed with obtaining a bid contract for the construction. A meeting will be held again with the Public Building Commission on November 2, 2010. She added there won’t be an exact time frame until the bids come back and a contractor is selected.

NEW BUSINESS:

Angela Lemke introduced Jessica Sanchez as the Human Rights Intern. She is an International Studies major at the University of Nebraska. Jessica is currently a Senior at UNL and is planning on pursuing a masters in International of Human Rights and her career goal is to be a US Representative for the United Nations.

Angie also introduced Loren Mestre-Roberts. She is currently the Hispanic-Latino Liaison for the City of Lincoln and the Commission on Human Rights. She is currently doing community outreach work and has several presentations planned within the city of Lincoln.

- A. Nomination of Officers - Nomination for Chair: Commissioner Noble moved to nominate Wendy Francis, Commissioner Olson 2nd the motion. Chair Francis asked for the roll call. Voting “aye” was: Commissioners Rodriguez, Crump, Noble, Olson, Quintero and Francis. Motion carried. Nomination for Vice-Chair: Chair Francis moved to nominate Gene Crump, Commissioner Noble 2nd the motion. Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Noble, Olson, Quintero, Rodriguez and Francis. Abstaining was Commissioner Crump. Motion carried.
- B. NAACP Banquet - The NAACP Banquet is scheduled for November 6, 2010. The deadline for tickets is October 29, 2010. There will be five going from the Commission on Human Rights office.
- C. Conference Planning Committee - The Civil Rights Conference is scheduled to be held in April, 2011. The Planning Committee will be meeting October 29, 2010 at the K Street Complex at 1:00p.m. - 3:00 p.m. If you would like to participate, please contact Regina. We will be picking a date and location at this meeting.
- D. Human Rights Award Nominations - There will be a separate Fair Housing Award and a separate Gerald Henderson Award. They will be announced at the Conference in April, 2011. People can be directed to our website to nominate someone that has promoted fair housing and the Gerald Henderson Award is more of a broad civil, human rights award.

Lemke brought it to the attention of the Commissioners that there are three Commissioners that have terms expiring, Gene Crump, Jose Quintero and Hazell Rodriguez. All three Commissioners stated they do intend to renew their terms. Lemke instructed them to let Rod Confer know of their intentions.

Chairperson Francis asked Lemke to speak on the Conviction Record information that was included in the packet. Lemke informed them this is the EEOC’s position. They look very closely at companies that have policies about not hiring based on criminal history and this has a disparate impact on certain minority groups.

- E. History Project - Regina has picked up on a project on the history of the Commission of Human Rights. They have been busy compiling news paper articles, as well as working with the National Council of Negro Women. They will be hosting a public forum or a community event to draw in more community members to gather more memories and events. They are also putting out a call for information to the Community in the next *One Lincoln* newsletter. This won’t be just the Commissions’ history this will be Lincoln’s history as well. They hope to have at least a visual timeline by the Civil Rights Conference and hope to have the project complete within 2 years.

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PUBLIC COMMENTS: None

Next Meeting: The next meeting will be held on Thursday, December 9, 2010 at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10th Street.

ADJOURNED:

The meeting adjourned at 4:45 p.m.